

Washington, DC at EPA Headquarters, EPA East Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, Conference Room 1153.

**FOR FURTHER INFORMATION CONTACT:** For additional information, please visit the EPA Web site at <http://www.epa.gov/owm/cwfinance/npdes-permit-fee.htm>, or contact Lena Ferris, Office of Water, Office of Wastewater Management (4201M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-8831; fax number: (202) 501-2399; e-mail address: [ferris.lena@epa.gov](mailto:ferris.lena@epa.gov).

**SUPPLEMENTARY INFORMATION:** EPA has established a sixty-day comment period for the proposed rule. The comment period ends on March 5, 2007. In scheduling this public meeting, EPA wishes to provide the public the opportunity to be fully informed about the contents of the proposed rule in advance of the date by which comments must be submitted. EPA is utilizing its Web site, which will be updated with any changes pertaining to this public meeting, as the principal means of providing information about this public meeting. EPA recommends that those interested in attending the meeting check the site for any additional information or logistical changes, as they become available.

*Background:* The proposed regulation, published in the **Federal Register** on January 4, 2007, provides a financial incentive to States to utilize an adequate fee program when implementing an authorized NPDES permit program. The Agency is proposing to revise the Section 106 grant allotment formula to include a permit fee incentive as part of the allotment process.

Dated: January 24, 2007.

Judy S. Davis,

*Acting Office Director, Office of Wastewater Management, Office of Water.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[EPA-HQ-OPPT-2006-0795; FRL-8112-9]

RIN 2070-AJ31

### 2,3,5,6-Tetrachloro-2,5-Cyclohexadiene-1,4-Dione; Proposed Significant New Use of a Chemical Substance; Reopening of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** EPA is reopening the comment period for a proposed rule concerning any significant new use of the chemical chloranil (2,3,5,6-tetrachloro-2,5-cyclohexadiene-1,4-dione) published in the **Federal Register** of May 12, 1993 (58 FR 27980). EPA reopened the comment period for 30 days through a proposed rule published in the **Federal Register** of December 18, 2006 (71 FR 75703) (FRL-8102-3). This document reopens the comment period for an additional 45 days. The comment period is again reopened because of a request for additional time from one of the original commenters.

**DATES:** Comments must be received on or before March 16, 2007.

**ADDRESSES:** Follow the detailed instructions provided under **ADDRESSES** in the proposed rule published in the **Federal Register** of December 18, 2006 (71 FR 75703).

**FOR FURTHER INFORMATION CONTACT:** For general information contact: Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

For technical information contact: Dwain Winters, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-1977; e-mail address: [winters.dwain@epa.gov](mailto:winters.dwain@epa.gov).

## SUPPLEMENTARY INFORMATION:

### I. General Information

#### A. Does this Action Apply to Me?

The Agency identified in the proposed rule those who may be potentially affected by that action. If you have questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

#### B. How and to Whom Do I Submit Comments?

To submit comments, or access the public docket, follow the detailed instructions provided under **ADDRESSES** in the proposed rule published in the **Federal Register** of December 18, 2006 (71 FR 75703).

## II. What Action is EPA Taking?

This document reopens the comment period established in a proposed rule published in the **Federal Register** of May 12, 1993 (58 FR 27980). In that document, EPA proposed a Significant New Use Rule (SNUR) that would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing, for any use, of chloranil containing certain chlorinated dibenzo-p-dioxins (CDDs) and chlorinated dibenzofurans (CDFs) in total combined amounts greater than 20 parts per billion (ppb). The chloranil CDD/CDF concentration would be calculated based on their toxicity equivalence (TEQ) to 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD). The 90-day notice required by the SNUR would provide EPA with the opportunity to evaluate the intended new use and associated activities, and an opportunity to protect against unreasonable risks, if any, from CDD/CDF exposure that could result from use of chloranil with higher CDD/CDF levels. Certain recordkeeping and certification requirements would also apply to manufacturers, importers, and processors of all chloranil, no matter what the level of CDD/CDF contamination. EPA indicated that it could not promulgate a final rule until after receiving data required under the dioxin furan test rule (40 CFR part 766). Reporting under the dioxin furan test rule has been completed and no chloranil dioxin levels reported were above 20 ppb TEQ. EPA is reopening the comment period for 45 days. The new comment period ends on March 16, 2007.

## III. What is the Agency's Authority for Taking this Action?

Section 5(a)(2) of the Toxic Substances Control Act (TSCA) (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in TSCA section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, TSCA section 5(a)(1)(B) requires persons to submit a Significant New Use Notice (SNUN) to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use (15 U.S.C. 2604(a)(1)(B)). The mechanism for reporting under this requirement is established under 40 CFR part 721, subpart A.

**List of Subjects in 40 CFR Part 721**

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: January 24, 2007.

**Charles M. Auer,**

*Director, Office of Pollution Prevention and Toxics.*

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Parts 224 and 660**

[Docket Number 070110003-7003-01; I.D. 112006A]

RIN 0648-AS89

**Fisheries Off West Coast States; Highly Migratory Species Fisheries**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS issues a proposed rule to amend text in the regulations governing closures of the drift gillnet fishery in the Pacific Loggerhead Conservation Area during El Nino events under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). The regulation is necessary to avoid jeopardizing loggerhead sea turtles, which are listed as threatened under the Endangered Species Act, by clarifying the time period in which the area is to be closed and the methods that NMFS will use to determine if an El Nino event is occurring or forecast to occur. NMFS also proposes to correct an inaccurate cross-reference in the regulations governing special requirements for fishing activities to protect endangered sea turtles under the HMS FMP.

**DATES:** Comments must be received by March 1, 2007.

**ADDRESSES:** You may submit comments on this notice, identified by I.D. 112006A, by any of the following methods:

- E-mail: 0648-AS89.SWR@noaa.gov. Include the I.D. number in the subject line of the message.
- Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov). Follow the instructions for submitting comments.
- Mail: Rodney R. McInnis, Regional Administrator, Southwest Region,

NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802 4213.

- Fax: (562) 980 4047.

**FOR FURTHER INFORMATION CONTACT:** Craig Heberer, Sustainable Fisheries Division, NMFS, 760-431-9440, ext. 303.

**SUPPLEMENTARY INFORMATION:** On April 7, 2004, NMFS published a final rule to implement the HMS FMP (69 FR 18444) that included incorrect regulatory text in 50 CFR 660.713(c)(2) pertaining to the timing of a closure for the California/Oregon swordfish/thresher shark drift gillnet fishery during declared El Nino events and methods for determination and notification concerning an El Nino event. This proposed rule would amend that regulatory text.

The timing of the closure and methods for determining an El Nino event were published on December 16, 2003, as part of the Pacific loggerhead conservation area final rule (68 FR 69962) and codified at 50 CFR 223.206(d)(6)(ii) and (iii). The closure is necessary to avoid jeopardizing the continued existence of threatened loggerhead sea turtles. The final rule described the area of the closure, the time period in which the area is to be closed, the methods that NMFS will use to determine if an El Nino event is occurring or is going to occur, and how the Assistant Administrator will provide notification that an El Nino is occurring.

Less than 4 months after the correct language was codified, the HMS FMP final rule removed and reserved the regulation at 50 CFR 223.206(d)(6) and moved the text from that regulation to 50 CFR 660.713(c). Due to an oversight in drafting, § 223.206(d)(6)(iii), which detailed the process for the AA to make a determination that an El Nino is occurring or scheduled to occur, was not included in the HMS FMP final rule. Also, text at 660.713(c)(2)(ii) of the draft rule was mistakenly included in the HMS FMP final rule. This proposed rule would remove paragraph the text at 660.713(c)(2)(ii) and replace it with two paragraphs that are substantively identical to the original § 223.206(d)(6)(iii). the text of 223.206(d)(6)(iii) as originally intended with non-substantive revisions to the text for clarification. Furthermore, the corrections would make clear that any closure as a result of an El Nino event would occur from June 1 – August 31 only, as currently specified in 50 CFR 660.713(c)(2), rather than during the time periods of January 1 – January 15 and August 15 – August 31, as currently specified inconsistently in § 660.713(c)(2)(ii). NMFS also proposes to amend

regulatory text at 50 CFR 224.104(c) that describes special requirements for fishing activities to protect endangered sea turtles. The existing text refers to special prohibitions relating to sea turtles at § 223.206(d)(2)(iv). However, paragraph (d)(2)(iv) no longer exists in 50 CFR 223.206. The reference should be to § 223.206(d).

**Classification**

NMFS has determined that the proposed rule is consistent with the HMS FMP and preliminarily determined that this proposed rule is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

This proposed rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Approximately 90 vessels were permitted under the HMS FMP to operate in the swordfish/thresher shark drift gillnet fishery off the U.S. West Coast in 2005. Of these 90 vessels, 42 actively fished in 2005. These vessels are considered small business entities and there should be no economic impact to them as a result of this action. The proposed action is a correction measure that will clarify conflicting regulatory instructions and provide U.S. fishermen with clear instructions on how to comply with Federal law. As described earlier, the corrections would make clear that any closure as a result of an El Nino event would occur from June 1 - August 31, as currently specified in 50 CFR 660.713(c)(2), rather than during the time periods of January 1 – January 15 and August 15 – August 31, as currently specified inconsistently in § (c)(2)(ii). The corrections would also include additional information describing how NOAA will determine whether an El Nino event is occurring and when El Nino conditions have ceased. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

**List of Subjects****50 CFR Part 224**

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements.

**50 CFR Part 660**

Fisheries, Fishing, Reporting and recordkeeping requirements.